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REMARKS

Applicants wish to thank the Examiner for the attention accorded to the instant application. Claims 376 and 378 have been amended to recite that the method steps are not intended steps. In light of the present amendment and remarks, it is respectfully requested that the rejections be withdrawn with respect to claims 173-185 and 191.

The Examiner has variously rejected all of the claims under 35 U.S.C. § 103(a). However, Applicants respectfully submit that the claimed invention is not rendered obvious by Hastings et al. U.S. Patent No. 6,370,629 in view of Dussel et al. 6,266,612. Each of the claimed elements are not disclosed by the references, alone or in combination.

Hastings et al. teaches a system whereby access to certain stored information, disclosed therein as CD-ROM media, is restricted by programming said stored information to allow access thereto only at certain locations or certain times. The examples provided therein relate to access to site-specific information or time sensitive information (e.g., col. 2, lines 38-55). In contrast, the presently claimed inventions of claim 377-378 are directed to a method of securing a communications network by programming predetermined location information in *a GSU chip*, rather than in stored media as disclosed by Hastings et al. In further contrast are claims 374-376 and 379, which claims are directed to a method of securing a communications network by programming predetermined time and space information in *a GSU chip*, rather than in stored media as disclosed by Hastings et al.

As stated by the Examiner, no network is disclosed in Hastings et al. Applicants wish to point out that the network is a key feature to the present claims. All of the claims include a network computing device and a communications network or subnetwork. There is no network computing device nor is there a communications network or subnetwork in Hastings et al.

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Thus, the Examiner has cited Dussel et al. to include the feature of the network. However, it is respectfully submitted that Dussel et al. is not a proper reference to combine with Hastings et al.

Dussul et al. discloses a system whereby positioning information is used by a mobile device having positioning information capability to facilitate completion of a task (Abstract). The task is within a database, which is disclosed as being stored on the Internet. When the device is in a certain location, location specific information is sent to the mobile device. There are no permission limitations disclosed in Dussel et al. This is in contrast to the present invention, whereby location (claims 377-378) or time and space (claims 374-376, 379) determines *access* to a network or subnetwork, rather than information from a database being displayed by a device when at a location as in Dussel et al.

As is well-established,

It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious.

In re Fritch, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicants' disclosure. In re Vaack, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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Furthermore, the U.S. Court of Appeals for the Federal Circuit restated the legal test applicable to rejections under 35 U.S.C. 103(a) (*In re Rouffet*, 47 USPQ2d 1453 (Fed. Cir., July 15, 1998)). The Court stated:

[V]irtually all [inventions] are combinations of old elements. Therefore an Examiner may often find every element of a claimed invention in the prior art. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an Examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be "an illogical and inappropriate process by which to determine patentability." To prevent the use of hind sight based on the invention to defeat patentability of the invention, this courts requires the Examiner to show a motivation to combine the references that create the case of obviousness. The Board [of Appeals] did not, however, explain what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination. Instead, the Board merely invoked the high level of skill in the field of the art. If such a rote indication could suffice to supply a motivation to combine, the more sophisticated scientific fields would rarely, if ever, experience a patentable technical advance. Instead, in complex scientific fields, the Board could routinely identify the prior art elements in an application, invoke the lofty level of skill, and rest its case for rejection. To counter this potential weakness in the obviousness construct the suggestion to combine requirements stands as a critical safeguard against hindsight analysis and rote application of the legal test for obviousness. *In re Rouffet*, 47 USPQ2d 1457-58 (Fed. Cir., July 15, 1998) (citations omitted).

Based on these principles, it is clearly improper to combine *Hastings et al.* with *Dussel et al.* The Internet is used in *Dussel* merely as a location to store a task in certain embodiments.

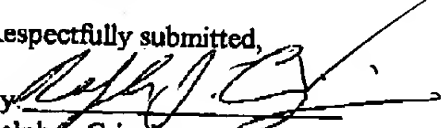
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The access control in Hastings et al. is based on stored media, and allowing permission to location or time specific information only at certain locaitons or times.

Further, even if it were proper to combine the references, each and every element of the claimed invention would not be taught. There is no teaching or suggestion by the references, alone or in combination, that relates to permissions set within a GSU-enabled device that allows said device to access a network or subnetwork.

The amendments herein do not introduce any new matter. It is believed that the claims herein should be allowable to Applicants. Accordingly, allowance is respectfully requested.

Respectfully submitted,

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